

RESOLUTION NO. 08-7561

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, ADOPTING THE "CITY OF SANTA
CLARA MUNICIPAL FEE SCHEDULE 2008-2009 SOLAR
FEES" WHICH AMENDS THE 2008-2009 SCHEDULE TO
INCLUDE WATER AND SEWER FEES FOR
INSTALLATION OF SOLAR SYSTEMS**

BE IT RESOLVED BY THE CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:

WHEREAS, for the previous fiscal year 2007-08 (July 1, 2007 through June 30, 2008) certain fees were adopted by Resolution No. 7418 and were then incorporated into the "CITY OF SANTA CLARA MUNICIPAL FEE SCHEDULE 2007-2008," and;

WHEREAS, for the previous fiscal year 2007-08 (July 1, 2007 through June 30, 2008), the "CITY OF SANTA CLARA MUNICIPAL FEE SCHEDULE 2007-08" included certain Solar Fees cited in the section for the Water and Sewer Fund – Solar, and,

WHEREAS, the "CITY OF SANTA CLARA MUNICIPAL FEE SCHEDULE 2008-2009" is updated annually and reflects the proposed fee schedule to be in effect for fiscal year 2008-09. It is a requirement that a Resolution be adopted by the City Council of the City of Santa Clara before these fees may go into effect. This resolution is meant to meet these requirements.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:

1. That The fees, rates, and charges (hereinafter collectively, "fees") contained in the document entitled "ADOPTED CITY OF SANTA CLARA MUNICIPAL FEE SCHEDULE 2008-2009" are hereby amended to include those fees submitted by the Water & Sewer Utilities titled "SOLAR", as set forth in a schedule entitled "CITY OF SANTA CLARA MUNICIPAL FEE SCHEDULE 2008-2009: WATER AND SEWER UTILITIES/SOLAR" (page 134)." The fees so charged do not exceed the estimated reasonable costs of providing the services for which

the fees are imposed, are fair and equitable in nature, proportionately represent the costs incurred by the City of Santa Clara, and are necessary for the continued health, safety and welfare of the public.

2. That This Resolution shall not be construed so as to affect any fee or charge payable or paid under any applicable fee schedule operative prior to the effective date of this Resolution.

3. The fees set forth in the "CITY OF SANTA CLARA MUNICIPAL FEE SCHEDULE 2008-2009: WATER AND SEWER UTILITIES/SOLAR" shall be effective on July 1, 2008.

4. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

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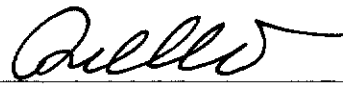
I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 16TH DAY OF SEPTEMBER, 2008, BY THE FOLLOWING VOTE:

AYES: COUNCILORS: Caserta, Kennedy, Kolstad, Kornder, McLeod and Moore and Mayor Mahan

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST: 
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA